

Copy protection mechanisms are illegal under the constitution and should not be endorsed, let alone, required by the FCC. Copy protection circumvents the "limited times" clause of the constitution by permanently encrypting the information broadcast thereby never allowing the content to enter the public domain, even after the copyright has expired. It also eliminates fair use. If I can't copy and excerpt content distributed by broadcasters, I can not critique it, watch at a different time ("time shifting"), nor archive it.

This will also have an effect against the FCC. If I were to see content forbidden by FCC regulations, I could not copy it and submit an actual sample. Certainly a fair use, but restricted by copy protection.

An assurance that a broadcaster will provide unencrypted version should the need arise is not sufficient because there is no guarantee the content will be exactly the same.